

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DARIAN LUCAS,)	
)	
v.)	Civ. No. 09-1052 Pittsburgh
)	
MARAVICH, et al,)	
Respondents.)	

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on August 10, 2009, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on February 5, 2010, recommended that the petition for writ of habeas corpus be dismissed, or in the alternative, be construed as a motion for relief from a judgment or order pursuant to Federal Rule of Civil Procedure 60(b) and be denied. The parties were allowed fourteen (14) days from the date of service to file objections. Service was made on Petitioner by certified mail at SCI Dallas, where he is incarcerated. Objections were filed by Petitioner on February 17, 2010 and March 8, 2010.

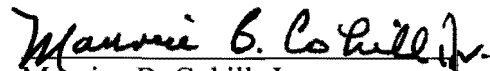
After de novo review of the petition and documents in the case, together with the Report and Recommendation and Petitioner's Objections thereto, the following order is entered:

AND NOW, this 6th day of April, 2010,

IT IS HEREBY ORDERED that, to the extent that Petitioner seeks relief through a motion for relief from a judgment or order pursuant to Federal Rule of Civil Procedure 60(b), said motion is hereby DENIED.

IT IS FURTHER ORDERED that the instant action, filed as a Petition for Writ of Habeas Corpus be and hereby is DISMISSED.

The report and recommendation of Magistrate Judge Baxter, dated February 5 2010, is adopted as the opinion of the court.


Maurice B. Cohill, Jr.
United States District Court Judge

cc: DARIAN LUCAS
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